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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,866	11/26/2003	Amy M. Tupler	CE11826JME	8598
24273	7590	09/06/2007		
MOTOROLA, INC INTELLECTUAL PROPERTY SECTION LAW DEPT 8000 WEST SUNRISE BLVD FT LAUDERDAL, FL 33322			EXAMINER DESIR, PIERRE LOUIS	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 09/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/722,866

Applicant(s)

TUPLER ET AL.

Examiner

Pierre-Louis Desir

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 7-21 is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 04/26/2007 have been fully considered but they are not persuasive.

Regarding claim 22, Applicants argue that Harris does not describe or even suggest movement of the display around two separate axis.

Examiner respectfully disagrees with Applicants. Harris discloses that the housing 108 can be rotated ninety degrees to a ninety degree orientation, as shown in FIG. 12. As the housing 110 is rotated, the flanges 520 of the sleeve 502 are drawn under the ledge 504 of the turret 402. During rotation, the ball plungers 506 of the turret 402 maintain contact with the wall 518 of the sleeve 502. Also, the spring-loaded finger 508 of the turret 402 travels about, and maintains contact with, the ring 524 of the sleeve 502. The trigger 526 travels along the path 602. And, in the ninety degree orientation, the longitudinal axis 212 (FIG. 2) of the housing 110 is perpendicular to the longitudinal axis 208 of the housing 108. The transverse axis 214 of the housing 110 is perpendicular to the transverse axis 210 of the housing 108 (see col. 8, lines 37-60).

As can be seen from the above disclosure, Harris discloses movement of the display around two separate axis.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Harris et al. (Harris) U.S Patent No. 6009336.

Regarding claim 22, Harris et al. discloses a device comprising: a display (184 - Figure 12) having a first axis that is substantially perpendicular to a top surface of the display (the substantially perpendicular axis is illustrated in Figure 5 as arrow 191) and a second axis that is substantially parallel to the top surface of the display (the substantially parallel axis is conveyed from Figure 5 as perpendicular to arrow 191), wherein the display is pivotally mounted on a support structure within the device (104 - Figure 12); and means for connecting an input (see Figures 12, 13, 2, and 4) for the device in response to one or more tactile forces transferred to the support structure (column 8, lines 46-55; column 9, lines 17-35; column 11, line 39 to column 12, line 4); and means for permitting the display to rotate about the first axis or to rotate about the second axis in response to the one or more tactile forces (for example, display can rotate about the first/perpendicular axis in response to the tactile forces - see abstract, , col. 8, lines 37-60).

In general, see column 2, lines 55-65 and column 6, line 50 to column 12, line 37.

Allowable Subject Matter

4. Claims 1-4, and 7-21 are allowed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Pierre-Louis Desir
08/30/2007

JEAN GELIN
PRIMARY EXAMINER

